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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/550,705

09/27/2005

Scott E. Manzo

2841 (203-2730PCTUS)

3095

50855

7590

01/22/2009

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EXAMINER

DANG, PHONG SON H

ART UNIT

PAPER NUMBER

3773

MAIL DATE

DELIVERY MODE

01/22/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/550,705	Applicant(s) MANZO, SCOTT E.	
	Examiner SON DANG	Art Unit 3773	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 10-12 and 16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,6,13,14 and 18 is/are rejected.
- 7) ☒ Claim(s) 3-5,7-9,15,17,19 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 August 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>09/27/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 6, 13-14 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 5,496,332 to Sierra et al. (Sierra).

In Reference to Claim 1:

Sierra teaches:

A device for joining a first body vessel to a second body vessel, comprising: a) a cartridge (12, Fig. 3) having a distal end and defining a longitudinal axis; b) a radially expandable anchor (34, Fig. 3) disposed at the distal end of the cartridge (12, Fig. 3) for engaging the first body vessel, the expandable anchor (34, Fig. 2) having an initial condition (Fig. 2) and an expanded condition (Fig. 3) wherein the expandable anchor is radially larger than the expandable anchor in the initial condition; and c) a plurality of sutures (66, 68, Fig. 4) disposed within the cartridge (12, Fig. 4) and being deployable therefrom so as to engage the second body vessel, the sutures (66, 68, Fig. 4) being threaded through the expandable anchor (34, Fig. 4); and d) a plurality of needle anchors (46, 48, Fig. 4), wherein each needle anchor (46, 48, Fig. 4) of

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the plurality of needle anchors is attached to a distal end (where wings 50, 52 are, Fig. 4) of a corresponding one of the plurality of sutures (66, 68, Fig. 4).

In Reference to Claim 2:

ABCD teaches:

The device of claim 1 (see rejection of Claim 1 above), wherein the expandable anchor (34, Fig. 4) comprises a plurality of flexible arms (anchor 34 expand radially on both side, Fig. 4) biased in an expanded position.

In Reference to Claim 6:

ABCD teaches:

The device of claim 1 (see rejection of Claim 1 above), wherein the sutures (66, 68, Fig. 4) have distal ends (where wings 50, 52 are, Fig. 4) and needle anchors (46, 48, Fig. 4) attached to the distal ends, the needle ends (54, 56, Fig. 4) being deployable from the cartridge (12, Fig. 4).

In Reference to Claim 13:

ABCD teaches:

A device for joining a first body vessel to a second body vessel, comprising: a) a cartridge (12, Fig. 4) having a distal end and defining a longitudinal axis; b) an anchor (34, Fig. 4) disposed at the distal end of the cartridge (12, Fig. 4) for engaging the first body vessel; and c) a plurality of sutures (66, 68, Fig. 4) disposed within the cartridge (12, Fig. 4) and being deployable therefrom so as to engage the second body vessel, the sutures (66, 68, Fig. 4) being threaded through the anchor (34, Fig. 4); and d) a plurality of

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needle anchors (46, 48, Fig. 4), wherein each needle anchor of the plurality of needle anchors is attached to a distal end (where wings 50, 52 are, Fig. 4) of a corresponding one of the plurality of sutures (66, 68, Fig. 4).

In Reference to Claim 14:

ABCD teaches:

The device of claim 13 (see rejection of Claim 13 above), wherein the anchor (34, Fig. 4) comprises a plurality of outwardly extending arms (anchor 34 expands radially on both sides, Fig. 4).

In Reference to Claim 18:

ABCD teaches:

The device of claim 13 (see rejection of Claim 13 above), wherein the sutures (66, 68, Fig. 4) have distal ends (where wings 50, 52 are, Fig. 4) and needle anchors (46, 48, Fig. 4) attached to the distal ends, the needle ends 54, 56, Fig. 4) being deployable from the cartridge (12, Fig. 4).

Allowable Subject Matter

3. Claims 3-5, 7-9, 15-17 and 19-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patent No. 6,923,820 to Nash et al. teach surgical connector

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systems and methods of use. US Patent No. 4,553,543 to Amarasinghe teaches a suturing assembly and method.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SON DANG whose telephone number is (571)270-5809. The examiner can normally be reached on Monday-Friday 7:30 AM - 5:00 PM EDT.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jackie Ho can be reached on 571-272-4696. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SD

/(Jackie) Tan-Uyen T. Ho/
Supervisory Patent Examiner, Art Unit 3773